

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

TIMOTHY J. VLAIKU, SR.,	)	CASE NO. 5:07CV2780
	)	
PLAINTIFF,	)	JUDGE SARA LIOI
	)	
vs.	)	
	)	MEMORANDUM OPINION AND
	)	ORDER
	)	
MICHAEL J. ASTRUE,	)	
Commissioner of Social Security,	)	
	)	
DEFENDANT.	)	

Before the Court is the report and recommendation of the Magistrate

Judge in the above-entitled action. Under the relevant statute:

Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendation to which objection is made.

28 U.S.C. § 636(b)(1)(C). In this case, the fourteen-day period has elapsed and no objections have been filed. In addition, it appears from the record that Plaintiff has advised the Magistrate Judge that his concerns regarding attorney's fees have been resolved. (Doc. No. 30, Report and Recommendation at 3.) The failure to file written objections to a Magistrate Judge's report and recommendation constitutes a waiver of a *de novo* determination by the district court of an issue covered in the report. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985); *see United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

The Court has reviewed the Magistrate Judge's report and recommendation (Doc. No. 30) and adopts the same. Accordingly, the motion of Plaintiff's counsel for attorney's fees<sup>1</sup> (Doc. No. 26) under 42 U.S.C. § 406(b)(1) is **GRANTED**. Plaintiff is awarded attorney's fees of \$10,843.66, payable directly to Plaintiff's counsel at the law firm Binder and Binder, P.C.

**IT IS SO ORDERED.**

Dated: June 3, 2010

  
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**HONORABLE SARA LIOI**  
**UNITED STATES DISTRICT JUDGE**

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<sup>1</sup> Plaintiff's counsel filed a "notice of motion," with an accompanying affirmation. (*See* Doc. No. 26.) The Court shall treat the "notice" as a motion for fees.